

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

## PCT

To:

see form PCT/ISA/220

### WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing  
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference  
see form PCT/ISA/220

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No.  
PCT/IB2005/003938

International filing date (day/month/year)  
14.12.2005

Priority date (day/month/year)  
20.12.2004

International Patent Classification (IPC) or both national classification and IPC  
B65B29/02, B65B35/50, B65B9/20

Applicant  
I.M.A. INDUSTRIA MACCHINE AUTOMATICHE S.P.A.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



European Patent Office - P.B. 5818 Patentlaan 2  
NL-2280 HV Rijswijk - Pays Bas  
Tel. +31 70 340 - 2040 Tx: 31 651 epo nl  
Fax: +31 70 340 - 3016

Authorized Officer

Grentzius, W

Telephone No. +31 70 340-3728



**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/IB2005/003938

---

**Box No. 1 Basis of the opinion**

---

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.  
☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material:  
☐ a sequence listing  
☐ table(s) related to the sequence listing
  - b. format of material:  
☐ in written format  
☐ in computer readable form
  - c. time of filing/furnishing:  
☐ contained in the international application as filed.  
☐ filed together with the international application in computer readable form.  
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**BEST AVAILABLE COPY**

10/588504

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.  
PCT/IB2005/003938

AP20 Rec'd PCT/PTO 04 AUG 2006

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-27
	No: Claims	
Inventive step (IS)	Yes: Claims	2,6-8,10,13-27
	No: Claims	1,3-5,9,11,12
Industrial applicability (IA)	Yes: Claims	1-27
	No: Claims	

2. Citations and explanations

see separate sheet

BEST AVAILABLE COPY

**Re Item V.**

1 Reference is made to the following documents:

D1: EP-A-0 791 537 (UNILEVER PLC) 27 August 1997 (1997-08-27)

D2: WO 99/37542 A (TETLEY GB LTD; UTZ, PAUL; WOLLMERSHAEUSER, PAUL; SCHUBERT, GERALD) 29 July 1999 (1999-07-29)

D3: EP-A-0 806 353 (I.M.A. INDUSTRIA MACCHINE AUTOMATICHE S.P.A) 12 November 1997 (1997-11-12)

2 INDEPENDENT CLAIM 1

2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not inventive in the sense of Article 33(3) PCT.

Document D1 discloses a machine from which the subject matter of claim 1 differs essentially in that it is adapted to fill bag-like pockets, rather than rigid containers. It would, however, be an obvious design option to the skilled man to use the machine of D1 for filling bag-like container, taking into consideration that the packaging of pods in bags is well known, see e.g. D2.

2.2 Also the combination of documents D2 and D3 renders the subject matter of claim 1 obvious.

The subject matter of claim 1 differs from the machine disclosed in D2 merely in that the packaging station is "built-in", rather than remote.

However, it would be directly evident to the skilled man that the distance of the packing station of D1 to the stacking station can be varied according to the circumstances. The packing station could obviously also be arranged adjacent the stacking station, as in D3, where a carriage moves to and fro between the stacking and packing stations.

3 DEPENDENT CLAIMS 3-5, 9, 11, 12

Dependent claims 3-5, 9, 11, 12 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING  
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/IB2005/003938

PCT in respect of inventive step (Article 33(2) and (3) PCT).

**4 DEPENDENT CLAIMS 2, 6-8, 10, 13-27**

The combination of the features of dependent claims 2, 6-8, 10, 13-27 are neither known from, nor rendered obvious by, the available prior art.

**BEST AVAILABLE COPY**

**THIS PAGE BLANK (USPTO)**